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FISCAL IMPACT STATEMENT

LS 6809

BILL NUMBER: HB 1299

NOTE PREPARED: Jan 11, 2008

BILL AMENDED:

SUBJECT: Sex Offender Residency.

FIRST AUTHOR: Rep. Buell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It requires a law enforcement agency to personally visit each registered sex or violent offender residing within the agency's jurisdiction at least one time every 30 days.
- B. It requires the parole board to prohibit a parolee who is a sex offender from residing within any 31,000 square yard area if at least five other sex offenders already reside within the area.
- C. It requires a court as a condition of probation to prohibit a sex offender from residing within any 31,000 square yard area if at least five other sex offenders already reside within the area.
- D. It makes it a sex offender residency offense, a Class D felony, for a person to knowingly or intentionally reside within 1,000 feet of a charter school or a child care center, child care home, or child care ministry.
- E. It specifies that the distance between the residence of a sex offender and another piece of property is measured from the property line of the sex offender's residence to the property line of the other piece of property.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Prohibition of More Than Five Sex Offenders Residing in a 31,000 Square Yard Area*— This prohibition could increase the number of offenders who violate parole or probation conditions and return to Department of Correction (DOC) facilities if sex offenders currently live in certain clusters. The average expenditure to house an adult offender was \$19,185 in FY 2007. [Depending on how the area is interpreted, a 31,000 square yard configuration could range from a square block that is 176 yards by 176 yards to a rectangular shape that is 30 yards by 1,033 yards.]

As an illustration of how this might affect the number of offenders who return to DOC due to probation or parole violations, the following table shows that 69 offenders who were originally incarcerated for a sex crime were returned to DOC in FY 2007 because of a probation violation. Most of these offenders who were returned for a probation violation were child molesters. No sex offender was returned to DOC for a parole violation.

Sex Offenders Returned to DOC during FY 2007 Due to Probation Violation							
	Child Exploitation	Child Molesting	Child Solicitation	Criminal Deviate Conduct	Rape	Vicarious Sex Gratification	Grand Total
Adams		1					1
Allen		4					4
Boone		1					1
Dearborn					1		1
Dekalb		1					1
Elkhart		2					2
Floyd		1					1
Fulton		1					1
Grant		1					1
Greene		1					1
Hancock		1					1
Huntington		2					2
Jackson		1					1
Johnson		2					2
Lagrange		1			1		2
Lake		1					1
Laporte		1					1
Madison	1	3			1		5
Marion		16		1	3		20
Morgan		1					1
Noble		1				1	2
Parke		2					2
Porter		1					1
Posey		1					1
Putnam		1					1
Ripley	1	1					2
St. Joseph		1	1				2
Steuben		1					1
Switzerland		1					1
Vigo		3					3
Wayne	1				1		2
White				1			1
Grand Total	3	55	1	2	7	1	69

Sex Offender Residency Offense – Under current law, sex offenders are prohibited from living within 1,000 feet of youth program centers. This bill would include charter schools, licensed child care centers, child care homes, and child care ministries as places that sex offenders cannot live within a 1,000 feet.

A youth program center is defined in statute as “a building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than 18 years of age.” (IC 35-41-1-29) If these places and program centers are not currently considered to be youth program centers, then more sex offenders could commit a sex offender residency offense, which is a Class D felony. A Class D felony is punishable by a term of prison ranging between 6 months and 3 years. The average cost per year to incarcerate a person in a DOC facility in FY 2007 was \$19,185.

LSA found no persons committed to DOC facilities for a sex offender residency violation in FY 2007.

Explanation of State Revenues:

Explanation of Local Expenditures: *Personal Visit of Sex Offender Every 30 Days* – Added expenditures for county sheriffs will depend on the number of sex or violent offenders in each respective county. Under current law, each local law enforcement agency is required to personally visit each sex or violent offender one time per year and each sexually violent predator every 90 days. Increasing the number of personal visits could require the sheriff’s office to hire more deputies, increase overtime expenses for the office, or reassign staff from other public safety operations. In August 2007, there were 6,336 sex offenders on the sex offender registry.

Prohibition of More Than Five Sex Offenders Residing in a 31,000 Square Yard Area – This prohibition could increase the workload of parole and probation officers who supervise sex offenders who have been released from DOC facilities. Depending on available housing, and how the 31,000 square yard configuration is interpreted, parole and probation officers may need to assist offenders in securing housing in other locations.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation Departments.

Information Sources: Department of Correction Offender Data Base.

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